''(II) which provides a procedure that the State (or an agent or other private contractor of the State) will follow in monitoring for noncompliance with the provisions of this section and in notifying the Internal Revenue Service of such noncompliance.

''(ii) LIMITATION BASED ON FACILITY FEASIBILITY FOR MOVE AMERICA EQUITY CREDITS.—

''(I) IN GENERAL.—In the case of an allocation with respect to any qualified facility for purposes of the Move America equity credit under subsection (a), such allocation shall not exceed the minimum amount which the State transportation authority or other applicable agency determines is required for the financial feasibility of the facility and its viability for completion and availability for public use throughout the credit period.

''(II) MINIMUM FEASIBILITY DETERMINATION.—In making the determination under subclause (I), such entity shall consider the sources and uses of funds and the total financing planned for the facility, any proceeds or receipts expected to be generated by reason of tax benefits, the reasonableness of the developmental and operational costs of the facility over the full expected operational life of the facility, ancillary costs (including right-of-way and procurement costs), financing costs, and retained and transferred risk.

''(C) SPECIAL RULES RELATING TO MOVE AMERICA EQUITY CREDIT.—

''(i) LIMITATION.—The amount allocated to a qualified facility under subparagraph (A)(i) shall not exceed the eligible basis of such facility.

''(ii) ELIGIBLE BASIS.—For purposes of this section, except as provided in clause (iii), the eligible basis of any qualified facility is the lesser of—

''(I) the portion of the basis of such facility which is attributable to the aggregate amount of equity investment of all taxpayers in the costs of the facility which are subject to the allowance for depreciation (determined as of the last day of the calendar year in which the facility is placed in service), or

''(II) 20 percent of the costs of the facility which are subject to the allowance for depreciation (determined as of the last day of the calendar year in which the facility is placed in service).

''(iii) EXCLUSION OF GOVERNMENT ASSISTANCE.—Eligible basis shall not include any portion of the basis of such facility which is attributable to any assistance or financing provided by a Federal, State, or local government (determined as of the last day of the calendar year in which the facility is placed in service).

''(D) REVERSION OF UNALLOCATED LIMITATION.—Any portion of the State credit limitation for any calendar year which remains unallocated as of the last day of such calendar year shall revert to inclusion in the State's Move America volume cap under section 142A(d) as if it had never been exchanged under paragraph (1).''.

(b) CREDITS MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''plus'' at the end of paragraph (32),

(2) by striking the period at the end of paragraph (33) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

''(34) the Move America equity credit under section 42A(a)(1), plus

''(35) the Move America infrastructure fund credit under section 42A(b)(1).''.

(c) TREATMENT UNDER ALTERNATIVE MINIMUM TAX AND BASE EROSION TAX.—

(1) ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B) of the Internal Revenue Code of 1986 is amended by redesignating clauses (iv) through (xii) as clauses (vi) through (xiv), respectively, and by inserting after clause (iii) the following new clauses:

''(iv) the credit determined under section 42A(a)(1),

''(v) the credit determined under section 42A(b)(1),''.

(2) BASE EROSION TAX.—Section 59A(b)(1)(B)(ii) of such Code is amended by striking ''plus'' at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

''(II) the credit allowed under section 38 for the taxable year which is properly allocable to the sum of the Move America equity credit under section 42A(a)(1) and the Move America infrastructure fund credit under section 42A(b)(1), plus''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 42 the following new item:

''Sec. 42A. Move America credits.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(f) REPORTING.—A State shall, at such time and in such manner as the Secretary of the Treasury shall require, report—

(1) to the Secretary of the Treasury—

(A) the amount of the Move America volume cap of the State for the calendar year which is exchanged under section 42A(c)(1) of the Internal Revenue Code of 1986 for a State credit limitation;

(B) the amount (if any) of the State credit limitation allocated under section 42A(c)(3)(A)(i) of such Code to qualified facilities, the amount so allocated to each such facility, and the taxpayer with respect to such facility (including the name of the taxpayer and any other identifying information as the Secretary of the Treasury shall require); and

(C) the amount (if any) of the State credit limitation allocated under section 42A(c)(3)(A)(ii) of such Code to qualified infrastructure funds, the amount so allocated to each such fund, and each taxpayer holding any Move America investment with respect to any such fund (including the name of the taxpayer and any other identifying information as the Secretary of the Treasury shall require);

(2) to the Secretary of the Treasury and any taxpayer who is the sponsor of a qualified facility receiving an allocation under section 42A(c)(3)(A)(i) of such Code, the date on which the qualified facility is placed in service; and

(3) to the Secretary of the Treasury and any taxpayer holding a Move America investment, a certification that the entity which issued the investment is a qualified infrastructure fund and that the investment will be used to make qualified investments designated for purposes of section 42A(b)(2)(A)(i)(III) of the Internal Revenue Code of 1986.

For purposes of this subsection, any term used in this subsection that is also used in section 42A or 142A of such Code has the same meaning as when used in such section.

SA 2233. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

SEC. _____. E–VERIFY COMPLIANCE REQUIREMENT.

(a) LIMITATION.—Notwithstanding any other provision of law, Federal assistance, grants, subgrants, contracts, and subcontracts authorized under this Act may only be awarded to entities that have enrolled in, and maintain compliance with all statutes, regulations, and policies regarding the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(b) REQUIREMENT.—Any entity that has not previously enrolled in, or had enrolled but did not maintain compliance with all statutes, regulations, and policies regarding, the E–Verify Program shall enroll in and certify compliance with such statutes, regulations and policies before being eligible to receive any Federal assistance, grants, subgrants, contracts, or subcontracts authorized under this Act.

SA 2234. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

SEC. _____. PROCUREMENT FOR BORDER WALL CONSTRUCTION.

(a) TERMINATION OF PRESIDENTIAL PROCLAMATION 10142.—

(1) IN GENERAL.—Notwithstanding any other provision of law, beginning on the date of the enactment of this Act—

(A) the Secretary of Homeland Security or any other Federal official may not implement the provisions of Presidential Proclamation 10142; and

(B) all regulations, policies, and operational guidance contained in such proclamation that have been implemented shall be immediately terminated.

(2) REVERSION TO PRIOR TERMS.—Notwithstanding any other provision of law, upon the termination of all regulations, policies, and operational modifications that have been issued to implement Presidential Proclamation 10142, all contracts for the construction or improvement of any physical barrier along the United States border shall be carried out in accordance with the terms set in effect before January 20, 2021.

(b) PROHIBITION OF CONTRACT MODIFICATIONS.—The Secretary of Homeland Security may not carry out any successor Executive Order, Presidential Proclamation, regulation, policy guidance, or operational guidance that seeks to cancel, invalidate, breach, terminate, or impose additional environmental, agricultural, or other reviews required by statute or regulation upon contracts that the Federal Government has already awarded for the construction or improvement of any physical barrier along the United States border.

SA 2235. Mr. KELLY (for himself, Mr. CRUZ, Mr. BURR, Mr. HICKENLOOPER, and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

SEC. 115___. HIGHWAY FORMULA MODERNIZATION STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), shall conduct a highway formula modernization study to assess the method and data used to apportion Federal-aid highway funds under subsections (b) and (c) of section 104 of title 23, United States Code, and issue recommendations relating to that method and data.

(b) ASSESSMENT.—The highway formula modernization study required under subsection (a) shall include an assessment of, based on the latest available data, whether the apportionment method described in that subsection results in—

(1) an equitable distribution of funds based on the estimated tax payments attributable to—

(A) highway users in the State that are paid into the Highway Trust Fund; and

(B) individuals in the State that are paid to the Treasury, based on contributions to the Highway Trust Fund from the general fund of the Treasury; and

(2) the achievement of the goals described in section 101(b)(3) of title 23, United States Code.

(c) CONSIDERATIONS.—In the assessment under subsection (b), the Secretary shall consider the following:

(1) The factors described in sections 104(b), 104(f)(2), 104(h)(2), 130(f), and 144(e) of title 23, United States Code, as in effect on the date of enactment of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144).

(2) The availability and accuracy of data necessary to calculate formula apportionments under the factors described in paragraph (1).

(3) The measures established under section 150 of title 23, United States Code, and whether those measures are appropriate for consideration as formula apportionment factors.

(4) Any other factors that the Secretary determines are appropriate.

(d) RECOMMENDATIONS.—The Secretary, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), shall develop recommendations on a new apportionment method, including—

(1) the factors recommended to be included in the new apportionment method;

(2) the weighting recommended to be applied to the factors recommended under paragraph (1); and

(3) any other recommendations to ensure that the new apportionment method best achieves an equitable distribution of funds described under subsection (b)(1) and the goals described in subsection (b)(2).

SA 2236. Mr. WYDEN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1225, strike lines 5 and 6 and insert the following:

the transit worker.'';

(3) in subparagraph (E) of paragraph (2) (as so redesignated)—

(A) by striking ''and the installation'' and inserting '', the installation''; and

(B) by inserting '', and bikeshare projects'' after ''public transportation vehicles''; and

(4) in subparagraph (G) of paragraph (4) (as

SA 2237. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40901, strike paragraphs (11) and (12) and insert the following:

(11) $100,000,000 for multi-benefit projects to improve watershed health in accordance with section 40907;

(12) $50,000,000 for endangered species recovery and conservation programs in the Colorado River Basin in accordance with—

(A) Public Law 106–392 (114 Stat. 1602);

(B) the Grand Canyon Protection Act of 1992 (Public Law 102–575; 106 Stat. 4669); and

(C) subtitle E of title IX of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327); and

(13) $500,000,000 for rural water supply projects that serve Indian Tribes under the rural water supply program under section 103 of the Rural Water Supply Act of 2006 (43 U.S.C. 2402), with priority to be given to funding rural water supply projects that respond to emergency situations in which a lack of access to clean drinking water threatens the health of a Tribal population.

SA 2238. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division D, insert the following:

SEC. 402___. CRITICAL MINERAL MINING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CRITICAL MINERAL.—The term ''critical mineral'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity engaged in or intending to engage in—

(A) the mining, processing, refining, alloying, separating, smelting, concentrating, or beneficiating of critical minerals or the reprocessing or recycling of mine tailings, smelter or refinery slags, or residues; or

(B) any other value-added, mining-related, manufacturing-related, or processing-related use of critical minerals undertaken within the United States.

(3) ELIGIBLE MINERAL.—The term ''eligible mineral'' means each of the critical minerals identified by the Secretary and the Secretary of Defense under subsection (b)(2)(A).

(4) PROGRAM.—The term ''program'' means the competitive grant program established under subsection (b)(1).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Defense, shall establish a program to use amounts from the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534) to award competitive grants to eligible entities for the processing, refining, alloying, separating, smelting, concentrating, or beneficiating of eligible minerals.

(2) DETERMINATION; IDENTIFICATION.—

(A) ELIGIBLE MINERALS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Defense, in coordination with the National Economic Council, shall jointly identify 10 critical minerals that are the most critical for manufacturing.

(B) SUITABLE LOCATIONS.—The Secretary, in coordination with the Secretary of Defense, shall identify Federal and non-Federal land for which it is economically feasible and environmentally sound to mine the eligible minerals.

(3) SELECTION.—

(A) APPLICATIONS.—An eligible entity seeking a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) SELECTION CRITERIA.—In awarding grants under the program, the Secretary shall only award grants to eligible entities that—

(i) have documented interests in constructing, expanding, or modernizing facilities that carry out an activity or use described in subparagraph (A) or (B) of subsection (a)(2); and

(ii) in the determination of the Secretary of Defense, in coordination with the Secretary, demonstrate strong labor protections, including prevailing wage requirements.

(4) USE OF FUNDS.—A grant under the program may be used for the environmental assessment, processing, mitigation, and cleanup necessary to mine, process, refine, alloy, separate, smelt, concentrate, or beneficiate eligible minerals on the Federal and non-Federal land identified under paragraph (2)(B).

(5) ENVIRONMENTAL LAWS.—In carrying out activities using a grant under the program, an eligible entity shall comply with—

(A) all applicable environmental laws (including regulations); and

(B) any other environmental standards determined to be necessary by the Secretary.

(6) FUNDING.—Notwithstanding any other provision of law, of the amounts available in the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534), the Secretary, in coordination with the Secretary of Defense, may use